

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

2010 MAY 18 P 12: 56

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

DOUG V. GOODWIN,
13117 Ladybank Lane,
Herndon, Virginia, 20171,

Plaintiff,

v.

TOYOTA MOTOR SALES, U.S.A., INC.,
19001 S. Western Avenue,
Torrance, California 90501,

Defendant.

Civil Action No.

1:10CV514
LO/IDD

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441 *et seq.* Defendant Toyota Motor Sales, U.S.A., Inc. ("TMS") hereby removes to this Court *Doug V. Goodwin v. Toyota Motor Sales, U.S.A., Inc.*, Civil Case No. CL-10-5182, from the Circuit Court for Fairfax County, Virginia, based upon diversity jurisdiction on the following grounds:

1. On April 9, 2010, Plaintiff filed a complaint in the Circuit Court for Fairfax County, Virginia, naming TMS as the sole defendant in the action (the "complaint").
2. TMS was served with a summons and a copy of the complaint on or about April 19, 2010, true and correct copies of which are attached as Exhibit 1.
3. This Notice of Removal is filed within thirty (30) days of service of the complaint upon TMS and, therefore, removal of this action is timely pursuant to 28 U.S.C. § 1446(b).

4. TMS is a California corporation with a principal place of business in California and, therefore, is a citizen of California for purposes of diversity jurisdiction pursuant to 28 U.S.C. § 1332(c)(1).

5. Plaintiff is an individual who resides in Fairfax County, Virginia, and is a citizen of Virginia for purposes of diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

6. The amount in controversy exceeds \$75,000 because Plaintiff seeks monetary damages of \$146,994.39 plus statutory attorney's fees and costs. *See* Exhibit 1, Compl. at ¶¶ 26, 31, 32 (alleging actual damages of \$48,998.13 and seeking treble damages and attorney's fees pursuant to Virginia Code § 59.1-204).

7. This Court has subject matter jurisdiction over the complaint pursuant to 28 U.S.C. § 1332(a)(1) because the parties are citizens of different states and the amount in controversy exceeds \$75,000.

8. Copies of all process, pleadings, and orders served upon TMS are attached hereto as Exhibit 1 in accordance with 28 U.S.C. § 1446(a).

9. TMS timely filed its answer on May 10, 2010, a true and correct copy of which is attached as Exhibit 2.

10. Pursuant to 28 U.S.C. § 1446(d), counsel for TMS will promptly file a copy of this notice of removal with the Circuit Court for Fairfax County, Virginia.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William D. Ledoux, Jr.", written over a horizontal line.

William D. Ledoux, Jr. (VSB # 71498)

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May 18, 2010

Counsel for Defendant Toyota Motor Sales, U.S.A., Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Removal was mailed, First-Class postage prepaid, this 18th day of May, to the following counsel for Plaintiff:

Stephen L. Swann, Esq.
Law Offices of Stephen L. Swann
1702 North Wakefield Street
Arlington, VA 22207
Counsel for Plaintiff


William D. Ledoux, Jr. (VSB # 71198)
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